

MICHAEL J. BETTINGER (State Bar No. 122196)  
KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP  
55 Second Street, Suite 1700  
San Francisco, CA 94105  
Phone: (415) 882-8200  
Fax: (415) 882-8220  
mike.bettinger@klgates.com

Attorneys for Plaintiff  
SPANSION LLC

JONATHAN C. DICKEY, SBN 088226  
STEVEN J. JOHNSON, SBN 121568  
GIBSON, DUNN & CRUTCHER LLP  
1881 Page Mill Road  
Palo Alto, California 94304  
Telephone: (650) 849-5300  
Facsimile: (650) 849-5333  
jdickey@gibsondunn.com  
sjjohnson@gibsondunn.com

Attorneys for Defendants,  
MACRONIX INTERNATIONAL CO., LTD.,  
and MACRONIX AMERICA, INC.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SPANSION, LLC, a Delaware corporation,

Plaintiff,

v.

MACRONIX INTERNATIONAL CO., LTD., a  
Taiwan corporation, and MACRONIX  
AMERICA, INC., a California corporation,

Defendants.

CASE NO. C 06-01733 MJJ (EMC)

**STIPULATION AND [PROPOSED]  
ORDER APPOINTING A SPECIAL  
MASTER**

1 In its December 19, 2006 Minute Order, this Court advised the parties that if any further  
2 discovery disputes arose, the Court would refer the parties to a special master.

3 In early January 2007, Counsel for Defendants proposed a schedule for depositions whereby  
4 witnesses for Macronix International Co., LTD. ("Macronix International") were to be deposed  
5 during the week of February 5, 2007, witnesses for Spansion LLC ("Spansion") were to be deposed  
6 during the week of February 19, 2007 and witnesses for Macronix America, Inc. ("Macronix  
7 America") were to be deposed during the week of February 26, 2007. Counsel for Spansion accepted  
8 Defendants' proposed schedule without modification.

9 On or about January 22, 2007, Counsel for Macronix International and Macronix America  
10 initiated a meet and confer to change the deposition schedule in light of pending discovery disputes,  
11 but the parties were unable to come to an agreement.

12 On January 29, 2007, Counsel for Macronix International and Macronix Amercia sent a letter  
13 to Judge Chen seeking to modify the deposition schedule on the grounds that significant discovery  
14 disputes exist.

15 Following a conference call with Judge Chen's chambers, counsel for the parties conferred  
16 and agreed to modify the deposition schedule and to submit any discovery disputes to a Special  
17 Master to be mutually agreed upon.

18 No depositions have yet been taken in this case.

19 WHEREAS, the parties agree to the appointment of Judge Eugene Lynch as a Special Master  
20 to resolve all discovery disputes in this matter.

21 NOW, THEREFORE subject to the Court's approval, plaintiff Spansion and defendants  
22 Macronix International and Macronix America hereby STIPULATE AND AGREE that:

23 1. Judge Eugene Lynch shall be appointed Special Master to hear all discovery disputes  
24 in this matter.

1  
2 DATED: February 7, 2007

GIBSON, DUNN & CRUTCHER LLP

3  
4  
5 By: /s/ Jonathan C. Dickey  
Jonathan C. Dickey

6 Attorneys for Defendants  
7 Macronix International Co., LTD., and Macronix  
America, Inc.

8  
9 Dated: February 7, 2007

K&L GATES


10  
11 By: /s/ Michael J. Bettinger  
Michael J. Bettinger

12 Attorneys for Plaintiffs,  
13 Spansion LLC

14  
15 **[PROPOSED] ORDER**

16 PURSUANT TO STIPULATION, IT IS SO ORDERED.

17  
18  
19 DATED: February 12, 2007

  
20 The Honorable Martin J. Jenkins  
21 United States District Court Judge